

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

SIDNEY HERPIN,

Plaintiff(s),

vs.

SAM'S WEST INC., et al.,

Defendant(s).

Case No. 2:15-cv-01501-JCM-NJK

ORDER DENYING PROPOSED  
DISCOVERY PLAN (Docket No. 12)

Pending before the Court is the parties' proposed discovery plan. Docket No. 12. The proposed discovery plan is hereby denied as it fails to comply with Local Rule 26, despite the plan's representation that it is "submitted in compliance with Local Rule 26-1(e)[.]" *Id.*, at 1. That rule provides that:

[Stipulated discovery plans] shall state the date the first defendant answered or otherwise appeared, the number of days required for discovery measured from the date the first defendant answers or otherwise appears, and shall give the calendar date on which discovery will close. Unless otherwise ordered, discovery periods longer than one hundred eighty (180) days from the date the first defendant answers or appears will require special scheduling review[.]

Local Rule 26-1(e)(1). The parties proposed discovery plan first runs afoul of Rule 26-1(e) by failing to state when Defendants answered or appeared. Docket No. 12 at 2. Here, Defendants first answered on August 5, 2015. Docket No. 2. Second, and more importantly, the parties represent that they only request a discovery period of one hundred and eighty days. Docket No. 12 at 2. However, the parties failed to "measure[] from the date the first defendant answers." *See* Local Rule 26-1(e)(1). Instead, the parties erred by calculating the discovery date from the date of the Federal Rule of Civil Procedure

1 26(f) conference. *Id.* Because Defendants answered on August 5, 2015 and the parties seek to set the  
2 discovery deadline on March 28, 2016, the parties actually request a discovery period of approximately  
3 236 days. Therefore, Local Rule 26(e) requires them to seek special scheduling review, and Local Rule  
4 26-1(d) requires them to include a statement of reasons justifying the longer period of time. The parties  
5 failed to do either.

6 Accordingly, the proposed discovery plan is hereby DENIED without prejudice.

7 IT IS SO ORDERED.

8 DATED: October 5, 2015

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12 NANCY J. KOPPE  
13 United States Magistrate Judge  
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